

Remarks

The Office Action dated November 4, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-42 are pending in this application. Claims 1-39 stand rejected. Claims 40-42 are newly added.

In accordance with 37 C.F.R. 1.136(a), a three month extension of time is submitted herewith to extend the due date of the response to the Office Action dated November 4, 2005, for the above-identified patent application from February 4, 2006, through and including May 4, 2006. In accordance with 37 C.F.R. 1.17(a), authorization to charge a deposit account in the amount of \$1020.00 to cover this extension of time request also is submitted herewith.

Paragraphs [0017] and [0019] have been amended avoid confusion by including the version of ISO 4589 that is described (ISO 4589-2, second edition, March 15, 1996).

The rejection of Claims 1-39 under the judicially created doctrine of obvious-type double patenting as being unpatentable over Claims 1-4, 26-27, and 29-42 of co-pending Application No. 10/696,869 (US 2005/0095415) is respectfully traversed.

Applicants respectfully submit that Claims 1-42 of the present application are patentably distinct from the claims of the co-pending application. Particularly, the independent Claim 1 of the co-pending application recite a layer comprised of a polymerizable component comprised of chemically reactive components. There is no such recitation in the claims of the present application. Applicants submit that one skilled in the art would understand that the thermoplastic material that is a component of the core layer recited in the claims of the present application is polymerized and contains no polymerizable, chemically reactive components.

Further, independent Claim 1 of the present application recites a porous core layer comprising at least one thermoplastic material and reinforcing fibers, independent Claim 13 recites providing a porous fiber reinforced thermoplastic sheet comprising a porous core layer comprising a thermoplastic material and reinforcing fibers, and independent Claim 24 recites a permeable core comprising discontinuous fibers bonded together with a thermoplastic resin. Applicants respectfully submit that the claims of the co-pending application do not include such limitations. Particularly, there is nothing in the claims to indicate that after the polymerization of the polymerizable components that the resultant composite is porous.

Still further, independent Claim 1 recites at least one skin covering a portion of the core layer where the skin has a limiting oxygen index greater than about 22, independent Claim 13 recites laminating at least one skin on a surface of the porous fiber reinforced thermoplastic sheet with each skin having a limiting oxygen index greater than about 22, and independent Claim 24 recites an adherent layer adjacent to the surface region where the adherent layer comprises a material having a limiting oxygen index greater than about 22. Applicants respectfully submit that the claims of the co-pending application do not include such limitations. Particularly, the claims of the co-pending application do not include a recitation that includes a skin having a limiting oxygen index greater than about 22 covering a porous core layer comprising a thermoplastic material and reinforcing fibers.

Moreover, Claims 1-4, 26-27, and 29-42 of the co-pending U.S. Patent Application have not issued in a U.S. Patent. For at least the reasons given above, Applicants respectfully request that the provisional double patenting rejection of Claim 1-39 be withdrawn.

For the reasons set forth above, Applicants respectfully request that the judicially created doctrine of obvious-type double patenting rejection of Claims 1-39 be withdrawn.

Further, Applicants submit that the claims of the co-pending application do not include the recitations of newly added claims 40-42.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael Tersillo", written in black ink. The signature is positioned above a horizontal line.

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